REMARKS:

Reconsideration of the application is respectfully requested in view of the foregoing amendments and following remarks. Claims 1-20, 30-53, and 64-72 are pending in the application. Claims 1-9, 13-20, 30-33, 36-53, 64-66, 69-72 stand rejected. Claim 18 has been allowed. Claims 10-12, 34-35, and 67-68 are objected to but indicated as allowable if amended to be of independent form.

The forgoing amendment cancels claims 1, 5, 17, 19-20, 30-32, 36-37, 49, 64-66 and 69-72 without prejudice or disclaimer. Claims 2, 4, 6, 10-16, 33-35, 38, 48, and 67 are amended. New claims 73- 89 have been added. No new matter has been added.

Request for Interview

If any issues remain, the Examiner is formally requested to contact the undersigned attorney prior to issuance of the next Office Action in order to arrange a telephonic interview. It is believed that a brief discussion of the merits of the present application may expedite prosecution.

This request is being submitted under MPEP § 713.01, which indicates that an interview may be arranged in advance by a written request.

Patentability of claims 2-4, 6-16, 38-48 and 50-53

The Action stated that "claims 10-12 . . . would be allowable if rewritten to overcome the rejections under *35 U.S.C. 112*, second paragraph, and under *35 U.S.C. 101* and to include all the limitations of the base claim and any intervening claims." *See,* Action, page 25, para. 20. Claim 10 has been amended to be of independent form and claims 2-4, 6-9, 11-16, 38-48, and 50-53 have been amended to ultimately depend on claim 10. The following paragraphs address rejections under *35 U.S.C. 112*, second paragraph, and under *35 U.S.C. 101.*

Patentability of claims 2-4, 6-16, 38-48 and 50-53 under 35 U.S.C 112, second paragraph:

The Action rejected claims 2-4, 6-16, 38-48, and 50-53 under *35 U.S.C. 112,* second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Action alleges that the term "concepts" is undefined.

Independent claim 10

Claim 10 has now been amended to be in independent form as follows:

A computer-implemented method of representing job candidate data for a job candidate, the method comprising:

receiving the job candidate data;

extracting one or more concepts from the job candidate data, wherein at least one of the concepts represents a job skill of the job candidate;

storing data indicating the concepts as a representation of the job candidate data; and

assigning at least one of the concepts an associated concept score indicating a level of experience for at least one of the concepts, wherein the concept score is calculated according to the following:

(length of service * recency factor) + related job skills; and

wherein the receiving, the extracting, the storing and the assigning steps are implemented by a computer system. (Emphasis added).

Claim 10 has now been amended to recite "wherein at least one of the concepts represents a job skill of the job candidate." For example, Applicants' specification describes "job skills", at Pg. 9, Lns. 1-5, as follows:

> In any of the examples herein, any number of concepts can be represented by the system. For example, any of a variety of concepts related to (e.g., in the domain of) human resources (e.g., job titles, job skills, etc.) can be represented and extracted from job candidate data. Desirably, new concepts can be added after deployment of the system.

Separately, the Applicants would like to point out that the term "concepts" need not be limited to an interpretation as a "a word and/or term describing a desired characteristic for a job" as the Action alleges. See Action, Page 8, Para 12.

Accordingly, applicants respectfully submit that claim as amended overcomes the rejection under *35 U.S.C. 112,* second paragraph. The claim should be in condition for allowance such and, action is respectfully requested.

Claims 2-4, 6-9, 11-16, 38-48 and 50-53

Claims 2-4, 6-9, 11-16, 38-48 and 50-53 ultimately depend on claim 10 and thus, at least for the reasons listed above with respect to claim 10 claims 2-4, 6-9, 11-16, 38-48 and 50-53 should also be in condition for allowance.

Claim 16

The Action further rejects claim 16 under *35 U.S.C. 112*, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. In particular, the Action alleges that term "assessment result" is undefined in the claim. Claim 16 has now been amended to more clearly claim the feature in question. The amended claim 16 reads as follows:

> The method of claim 10 wherein the job candidate data comprises results of assessment of the job candidate, the assessment comprising a questionnaire, a test or a job application. (Emphasis added).

For example, the Applicants' specification describes "results of assessment of the job candidate" at Page 35, lines 4-15 as follows:

> **Exemplary Integrated Assessment Analysis**
>
> In addition to extracting information from resumes, the job candidate data can include the results of various assessments (e.g., questionnaires, tests, or job applications). The assessment results can be included as a concept when representing the candidate in the *n*-dimensional concept space.
>
> For example, the results of various assessments can be represented as one or more special purpose concepts. In one example, a multiple-choice format questionnaire can be used to extract ten basic attributes for the candidate; the attributes can be represented as special-purpose concepts. A percentage match between the candidate and the job requisition characteristics can be generated by the match engine. The percentage match can be used as part of the overall match score and displayed as part of an overview of the candidate. (Emphasis added).

Accordingly, applicants respectfully submit that the claim overcomes the rejection under *35 U.S.C. 112,* second paragraph.

Patentability of claims 2-4, 6-16, 38-48 and 50-53 under 35 U.S.C. 101:

The Action rejects 2-4, 6-16, 38-48, and 50-53 under *35 U.S.C. 101* because the claimed invention is directed to non-statutory subject matter.

Independent claim 10:

Claim 10 has been amended to be of independent form and to recite as follows:

> A computer-implemented method of representing job candidate data for a job candidate, the method comprising:
>
> receiving the job candidate data;
>
> extracting one or more concepts from the job candidate data, wherein at least one of the concepts represents a job skill of the job candidate;
>
> storing data indicating the concepts as a representation of the job candidate data; and
>
> assigning at least one of the concepts an associated concept score indicating a level of experience for at least one of the concepts, wherein the concept score is calculated according to the following:
>
> (length of service * recency factor) + related job skills; and
>
> wherein the receiving, the extracting, the storing and the assigning steps are implemented by a computer system. (Emphasis added).

Claims 10 is directed to computer implemented methods. "A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under *35 U.S.C. § 101, Schrader*, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts. *See*, MPEP § 2106(IV)(B)(2)(b) quoting *Diamond v. Diehr*, 450 U.S. at 183-84 (1981).

However, the Action contends that "In the present case, claims 1-16, 30-35, 38-53 and 64-70 only recites an abstract idea." *See,* Action, Page 10. Also, the Action states "Looking at the claims as a whole, nothing in the body of the claims recite any structure or functionality to suggest that a computer performs a task. While claims recite storing data, this amounts to only a trivial use of the technology where nothing is done (i.e., computing) to breathe life into the invention." *See*, Action, Pages 12-13, Para. 16.

Claim 10 has now been amended to recite "wherein the receiving, the extracting, the storing and the assigning steps are implemented by a computer system." Such recitation in the body of the claims (as opposed to just the preamble) that the recited method acts are performed

by a "computer system" goes beyond "a trivial use of the technology where nothing is done (i.e., computing) to breathe life into the invention." *See,* Action, Page 13.

Thus, at least for this reason, Applicants respectfully submit that Claim 10, as amended, is directed to statutory subject matter and request that the rejection under *35 U.S.C. § 101* be withdrawn and claim 10 in its amended form to be allowed.

Claims 2, 4, 6-9, 11-16, 38-48 and 50-53

Claims 2, 4, 6-9, 11-16, 38-48 and 50-53 ultimately depend on Claim 10 and at least for that reason should also be in condition for allowance and such action is respectfully requested.

Patentability of claims 33-35

The Action stated that "claims ... 34 and 35 would be allowable if rewritten to overcome the rejections under *35 U.S.C. 112*, second paragraph, and under *35 U.S.C. 101* and to include all the limitations of the base claim and any intervening claims." *See*, Action, page 25, para. 20. Claim 34 has been amended to be of independent form and claims 33 and 35 have been amended to ultimately depend on claim 34. The following paragraphs address rejections of claims 33-35 under 35 *U.S.C. 112*, second paragraph, and under *35 U.S.C. 101*.

Patentability of claim 35 under 35 U.S.C. 112, second paragraph:

The Action rejects claim 35 under *35 U.S.C. 112*, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Action alleges that term "k" is undefined in the claim. Claim 35 has now been amended to more clearly claim the feature in question. The amended claim 35 reads as follows:

> The method of claim 34 wherein the recency factor is calculated as a ratio of a constant value to a number of years. (Emphasis added)

For instance, the Applicant's specification at page 15, lines 12-18 describes recency factor as follows:

> Length of service can take the form of the number of months that the job lasted in which the concept was used. Recency factor weighs the recency of the

experience. It can be calculated from the end date of the related job. So, for example, jobs ending in the last month may have a recency factor of 1.0, which the factor dropping asymptotically over time (e.g., according to the formula 1/(number of years)). Any number of other arrangements are possible for recency (e.g., using any other constant *k* instead of 1 or another mathematical relationship).

Accordingly, applicants respectfully submit that the claim now overcomes the rejection of claim 35 under *35 U.S.C. 112,* second paragraph.

Patentability of claims 33-35 under 35 U.S.C. 101:

The Action rejects 33-35 under *35 U.S.C. 101* because the claimed invention is directed to non-statutory subject matter.

Independent claim 34

Claim 34 has now been amended to recite as follows:

> A computer-implemented method of associating a score with a concept extracted from electronically stored job candidate data comprising at least a portion of a resume for a job candidate, the method comprising:
> determining an experience level with respect to the concept for the candidate based at least on the job candidate data; and
> storing a score indicating the experience level with respect to the concept for the candidate, wherein the experience level is determined based on the following calculation:
> (length of service * recency factor) + related job skills,
> wherein at least the determining step is implemented by a computer system.
> (Emphasis added).

Claim 34 has now been amended to recite "wherein at least the determining step is implemented by a computer system." Such recitation, in the body of the claims (as opposed to just the preamble), that the recited method acts are performed by a "computer system" goes beyond "a trivial use of the technology where nothing is done (i.e., computing) to breathe life into the invention." *See,* Action, Page 13.

Thus, at least for this reason, Applicants respectfully submit that Claim 34, as amended, is directed to statutory subject matter and request that the rejection under *35 U.S.C. § 101* be withdrawn and claim 34 in its amended form to be allowed.

Claims 33 and 35

Claims 33 and 35 ultimately depend on Claim 34 and at least for that reason should also be in condition for allowance and such action is respectfully requested.

Patentability of claims 67-68

The Action states "claims 67-68 would be allowable if rewritten or amended to overcome the rejection under *35 U.S.C. 101* set forth in this Office action." *See,* Action, at Page 26.

Independent claim 67

Claim 67 has now been amended to recite as follows:

> A computer-implemented method of finding a job candidate suitable to fill a position, the method comprising:
> receiving characteristics desired to fill the position; and
> matching the characteristics desired to fill the position to a set of a plurality of job candidates via an *n*-dimensional concept space, wherein the receiving and the matching steps are performed by a computer system. (Emphasis added).

Claim 67 has now been amended to recite "wherein the receiving and the matching steps are performed by a computer system." Such recitation, in the body of the claims (as opposed to just the preamble), that the recited method acts are performed by a "computer system" goes beyond "a trivial use of the technology where nothing is done (i.e., computing) to breathe life into the invention." *See,* Action, Page 13.

Thus, at least for this reason, Applicants respectfully submit that Claim 67, as amended, is directed to statutory subject matter and request that the rejection under *35 U.S.C. § 101* be withdrawn and claim 67 in its amended form to be allowed.

Claim 68

Claim 68 ultimately depend on Claim 67 and at least for that reason should also be in condition for allowance and such action is respectfully requested.

Patentability of new claims 73-89

New claims 73-89 have added to claim features related to the independent claim 18 which the Action indicated as allowed.

Claim 73-77

Claims 73-77 are new claims ultimately dependent on the allowed claim 18. Accordingly, at least for that reason, claim 73-77 should be in condition for allowance and such action is respectfully requested.

Claim 78

Claim 78 is a new independent claim that is directed to a computer-readable medium having stored thereon instructions for performing a method wherein the method steps are verbatim steps of the allowed claim 18. Thus, at least for the reason claim 18 was allowable, claim 78 too should be in condition for allowance and such action is respectfully requested.

Claims 79-83

Claims 79-83 ultimately depend on claim 78 and at least for the reasons set forth above with respect to claim 78 claims 79-83 should also be in condition for allowance.

Claim 84

Claim 84 is a new independent claim that is directed to a computer system for performing a method, wherein the method steps are verbatim steps of the allowed claim 18. Thus, at least for the reason claim 18 was allowable, claim 84 too should be in condition for allowance and such action is respectfully requested.

Claims 85-89

Claims 85-89 ultimately depend on claim 84 and at least for the reasons set forth above with respect to claim 84 claims 85-89 should also be in condition for allowance.

Claim rejections under 35 USC § 103

The Action rejected claims 1-3, 5-9, 13-17, 19-20, 30-33, 36-37, 64-66 and 69-72 under *35 USC § 103*. In light of the amendments to the claims presented above that change the dependencies of the claims, the claim rejections under *35 USC § 103* are now moot.

Conclusion

The claims in their present form should now be allowable. Such action is respectfully requested.

Respectfully submitted,

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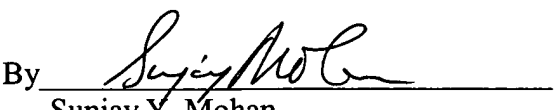
By 
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